

Appendix G

New York State Department of State
Coastal Management Program Coastal
Assessment Form and
New York City Waterfront Revitalization
Program Consistency Assessment Form



NEW YORK STATE DEPARTMENT OF STATE
 COASTAL MANAGEMENT PROGRAM
Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQ, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
- (b) Financial assistance (e.g. grant, loan, subsidy) _____
- (c) Permit, license, certification X

2. Describe nature and extent of action: AGC proposes to improve the Astoria Generating Station (AGS) by adding a new Siemens H-Class combined cycle combustion turbine, referred to as the Luyster Creek Energy Project at the Astoria Generating Station. The proposed upgrade would result in approximately 410 mega watts (MW) of newer, cleaner state-of-the-art fast start combined cycle electric generation while reducing the actual emissions from the existing generating equipment through enforceable permit limits on the existing AGS units.

3. Location of action:

<u>Queens County</u> County	<u>Borough of Queens City of New York</u> City, Town or Village	<u>Astoria Generating Station, 18-01 20th Avenue, Queens NY 11105</u> Street or Site Description
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4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: Astoria Generating Company, L.P. a USPowerGen Company (AGC)
- (b) Mailing address: 300 Atlantic Street, 5th Floor, Stamford, Connecticut 06901-3522
- (c) Telephone Number: Area Code (____) 1-888-398-USPG or 1-888-398-8774
- (d) State agency application number: _____

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes _____ No X If yes, which federal agency? _____

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

	<u>YES</u>	<u>NO</u>
1. Will the proposed activity be <u>located</u> in, or contiguous to, or have a <u>significant effect</u> upon any of the resource areas identified on the coastal area map:		
(a) Significant fish or wildlife habitats?	_____	<u> X </u>
(b) Scenic resources of statewide significance?	_____	<u> X </u>
(c) Important agricultural lands?	_____	<u> X </u>
2. Will the proposed activity have a <u>significant effect</u> upon:		
(a) Commercial or recreational use of fish and wildlife resources?	_____	<u> X </u>
(b) Scenic quality of the coastal environment?	_____	<u> X </u>

- (c) Development of future, or existing water dependent uses?..... X
- (d) Operation of the State's major ports?..... X
- (e) Land and water uses within the State's small harbors? X
- (f) Existing or potential public recreation opportunities? X
- (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?..... X

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters? X
Please See Attachment 1
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?.....
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? X
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law? Please See Attachment 1
- (e) Mining, excavation, filling or dredging in coastal waters? X
- (f) Reduction of existing or potential public access to or along the shore?..... X
- (g) Sale or change in use of state-owned lands located on the shoreline or under water? X
- (h) Development within a designated flood or erosion hazard area?..... Please See Attachment 1
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?..... X

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? Please See Attachment 1.....

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Preparer's Name: _____
(Please print)

Title: _____ Agency: _____

Telephone Number: (_____) _____ Date: _____

3. Will the proposed activity involve or result in any of the following:

(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?

Yes. The estimated total area of the Astoria Generating Station facility is approximately 29 acres comprised of the parcel on which are located the existing AGS units (17 acres) and the parcel on which the Fuel Oil Tank Farm is located (12 acres) and on which the Siemens H-Class combined cycle combustion turbine will be situated. The physical alteration of the site for this Project is approximately 7.5 acres.

(d) Energy facility not subject to Article VII or VIII of the Public Service Law?

Yes.

(h) Development within a designated flood or erosion hazard area?

Yes. Approximately half of the Project site is located in Zone AE on Flood Insurance Map, Panel 91 of 457, Map Number 3604970091F, September 5, 2007 and Panel 92 of 457, Map Number 3604970092F, September 5, 2007. Zone AE areas are defined as those areas subject to inundation by the 1-percent-annual-chance flood event and mandatory flood insurance purchase requirements apply. In order to mitigate potential flood damage to property in this area, critical project components proposed for this area will be reviewed and elevated as necessary. This configuration will help protect the LCEP from flood events and enable critical LCEP components to be placed at an elevation that is equivalent to the adjacent Project substation.

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program?

Yes. The area where the Project is located within the New York City's designated coastal zone for which there is an approved New York City Waterfront Revitalization Program.

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: _____
2. Address: _____
3. Telephone: _____ Fax: _____ E-mail: _____
4. Project site owner: _____

B. PROPOSED ACTIVITY

1. Brief description of activity:

2. Purpose of activity:

3. Location of activity: (street address/borough or site description):

Proposed Activity Cont'd

- 4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

- 5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

- 6. Will the proposed project require the preparation of an environmental impact statement?
 Yes _____ No _____ If yes, identify Lead Agency:

- 7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

C. COASTAL ASSESSMENT

Location Questions:

Yes No

- 1. Is the project site on the waterfront or at the water's edge? _____
- 2. Does the proposed project require a waterfront site? _____
- 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? _____

Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) _____
- 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) _____
- 6. Will the action result in a change in scale or character of a neighborhood? (1.2) _____

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3) _____
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2) _____
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2) _____
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) _____
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2) _____
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2) _____
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3) _____
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3) _____
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1) _____
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2) _____
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3) _____
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2) _____
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1) _____
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2) _____
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2) _____
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3) _____
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4) _____
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5) _____
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1) _____
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1) _____
27. Will any activity associated with the project generate nonpoint source pollution? (5.2) _____
28. Would the action cause violations of the National or State air quality standards? (5.2) _____

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)

30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

33. Would the action result in any construction activities that would lead to erosion? (6)

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

37. Would the proposed project affect a non-renewable source of sand ? (6.3)

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

39. Would the action affect any sites that have been used as landfills? (7.1)

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)

42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: _____

Address: _____

_____ Telephone _____

Applicant/Agent Signature: _____ Date: _____

Anticipated Notifications, Actions, Permits and Approvals

The development and operation of the Luyster Creek Energy Project at the Astoria Generating Station is likely to require or involve the following primary federal, state, and local regulatory agency notifications, actions, permits and approvals:

- Title V Permit Modification (6 NYCRR 201-6) (NYSDEC)
- Acid Rain Permit (known as Title IV) (6NYCRR 201-6) (NYSDEC)
- SPDES Permit Modification (6 NYCRR 750) (NYSDEC)
- SPDES General Permit for Stormwater Discharge from Construction Activity (including SWPPP) (GP-10-01) Notice of Intent (NYSDEC)
- CO₂ Budget Permit (6 NYCRR 242-3) (NYSDEC)
- Clean Air Interstate Rule (CAIR) NO_x Annual Trading Permit (6 NYCRR 244-3) and CAIR SO₂ Trading Permit (6 NYCRR 245-3) (NYSDEC)
- Updated Spill Prevention Control and Countermeasure (SPCC) Plan (40 CFR 112 and 6 NYCRR 612-614) (NYSDEC)
- Bulk Petroleum Storage Tank Permit (FDNY) and Petroleum Bulk Storage Permit (NYSDEC)
- New York State Chemical Bulk Storage (NH₃ tank) Registration (6 NYCRR Parts 595-599) (NYSDEC)
- Waterfront Revitalization Program (WRP) Consistency Review (NYSDEC, NYSPSC)
- PSL Section 68 Certificate of Public Convenience and Necessity (NYSPSC)
- PSL Section 69 Approval (NYSPSC)
- Lightened Regulation Approval (NYSPSC)
- Increase water use connection/approval (DEP)
- Fire Department Storage Permit (aqueous ammonia <20% concentration) (FDNY)
- Modification of Coast Guard Response Plan (United States Coast Guard [USCG])
- Notice of Proposed Construction (Federal Aviation Administration [FAA])

Note that this list is based on all expected permits and approvals that may be required for the Project. It is possible that some items listed may not ultimately be required or be applicable. If final Project design identifies additional required permits and approvals they will be applied for and obtained.

Attachment 2
New York City Waterfront Revitalization Program
Consistency Assessment Form
Policy Questions Attachment

The following comments are provided to elaborate on the Consistency Assessment Form Policy Questions that were answered with an affirmative. In all cases, the Project is consistent with the applicable policy of the New York City Waterfront Revitalization Program.

Question 9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? - YES

The Astoria Generating Station includes two waterfront facilities, which will not be altered during installation of the proposed Siemens H-Class combustion turbine and ancillary components. As a result, the Project is in compliance with Policy 2 of the NYC Waterfront Revitalization Program.

Question 26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? - YES

Sewer overflow is not anticipated along stormwater runoff may occur during construction and operation of the LCEP Equipment. Stormwater will be managed in accordance with an approved Stormwater Pollution Prevention Plan pursuant to the New York State Pollution Discharge Elimination System (SPDES) requirements. The existing Astoria Generating Station SWPPP will be modified to include the LCEP Equipment. There will be no thermal discharge associated with the Project since the LCEP Equipment will incorporate a dry-cooling system. As a result, the Project is in compliance with Policy 5.1 of the NYC Waterfront Revitalization Program.

Question 32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazard area? - YES

The LCEP Equipment will occupy two different flood zone areas, according to Flood Insurance Map, Panel 92 of 457, Map Number 3604970092F, September 5, 2007. In order to mitigate potential flood damage to property in this area, critical LCEP Equipment components proposed for this area may be elevated to an approximate height at least three feet above grade. This configuration will help protect the equipment from flood events. Final Design of the LCEP Equipment will be in accordance with applicable floodplain management statutes and regulations. As a result, the Project is in compliance with Policy 6 of the NYC Waterfront Revitalization Program.